

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

J.A. CASTRO,
Plaintiff,

VS.

JOHN DOE 1 (a.k.a. “CHETSFORD”), *et al.*
Defendants,

§
§
§
§
§
§
§

Case No. 4:23-cv-00613-P-BJ

**RESPONSE BY JOHN DOE 1 (“Chetsford”) TO PLAINTIFF’S MOTION TO EXTEND
TIME TO SERVE (Doc. 53)**

Anne Marie Mackin
Texas Bar No. 24078898
The Gober Group
14425 Falcon Head Blvd.
Building E-100, Suite 226
Austin TX 78738
telephone: (512) 354-1785
fax: (877) 437-5755
amackin@gobergroup.com

Michael E. Rosman
(pro hac vice motion forthcoming)
Center for Individual Rights
1100 Connecticut Ave., Suite 625
Washington, D.C. 20036
telephone: (202) 833-8400
fax: (202) 833-8410
rosman@cir-usa.org

John Doe 1, aka Chetsford, submits this short response to the motion (“Mot.”) of Plaintiff John Anthony Castro (“Castro”) to extend his time to serve defendants.

1. Castro asserts that the deadline for completing service is September 14, 2023 (Mot. ¶ 5), and he “requests an additional 90 days to push the deadline to serve the summons until Wednesday, December 13, 2023” (Mot. ¶ 7). Since December 13, 2023 has already passed – indeed, it passed long before Castro served his motion to extend -- Castro’s motion should be denied as moot.¹

2. Even if Castro’s motion were not moot, he provides no explanation for why he waited so long to seek additional time to serve defendants. *See* Doc. 50 at 8-9 (PageID 253-54). That omission provides an independent reason to deny his motion.

3. Castro’s motion also does not describe any efforts he has made to serve defendants other than John Doe 1.

4. As set forth in the Magistrate Judge’s report and recommendation, and John Doe 1’s response to Castro’s objections to that report, there are at least two independent reasons why this case should be dismissed against John Doe 1: lack of personal jurisdiction and lack of subject matter jurisdiction. Docs. 47, 50. In his reply, Castro did not even bother addressing the latter. Doc. 52. Accordingly, granting Castro additional time to serve defendants would be futile.

5. Castro also asserts that, after he identifies John Doe 1 (Chetsford), he “will then depose Chetsford to reveal the names and identities of the remaining Joe [sic] Doe defendants” (Mot. ¶ 6). But there are no “Joe Doe,” or even other “John Doe,” defendants in the current live

¹ Castro appears to have just copied his last motion for an extension of time, including the now-long-passed dates, rather than acknowledge any change in circumstances or even the passage of time. *See* Doc. 19.

pleading (Doc. 36). Accordingly, Castro does not need to identify Chetsford for that purpose.

Conclusion

For the foregoing reasons, Castro's motion for an extension of time to serve the summons and complaint in this action should be denied.

Respectfully submitted,

/s/ Anne Marie Mackin

Anne Marie Mackin
Texas Bar No. 24078898
The Gober Group
14425 Falcon Head Blvd.
Building E-100, Suite 226
Austin TX 78738
Telephone: (512) 354-1785
Fax: (877) 437-5755
amackin@gobergroup.com

Michael E. Rosman
(pro hac vice motion forthcoming)
Center for Individual Rights
1100 Connecticut Ave., Suite 625
Washington, D.C. 20036
telephone: (202) 833-8400
fax: (202) 833-8410
rosman@cir-usa.org

Attorneys for John Doe 1 (Chetsford)